

FARAD CONTINUATION SHEET No.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE SIDE****WRIT PETITION NO. 3116 OF 2004**

-----  
 Office Notes, Office )  
 Memoranda of Coram, )  
 appearances, Court's )  
 orders or directions )  
 and Registrar's orders.)  
 -----

Court's or Judge's orders

Mr. Anilkumar K. Patil for Petitioner.

Mr. S.M. Sabrad for Respondent No. 1.

Mr. C.R. Sonawane, A.G.P. for Respondent  
No. 2.CORAM : F.I. REBELLO &  
S.P. KUKDAY,JJ.

DATED : FEBRUARY 07, 2005

P.C.

. The land is reserved under the provisions of the MR.T.P. Act in the year 1978. The case of the respondent is that till date they have not taken any steps to acquire the land though reserved and therefore, this court should direct the corporation to acquire the land.

. The procedure for acquisition in case of failure of the corporation to acquire the land is provided under Section 127 of the M.R.T.P. Act. On the expiry of the period

of 10 years, the party interested is bound to serve notice under Section 127 of the M.R.T.P. Act. On such notice being served, Respondents if they failed to comply within this statutory time limit, there will be deemed dereservation. The Petitioners have not served notice as required under Section 127 of the MR.T.P. Act. The letter dated 18.6.2003 can not be treated as notice under Section 127 of M.R.T.P. Act. In the light of that, it is not possible for this court to grant any relief to the petitioner. It will be open to the Petitioner to proceed as per the procedure of M.R.T.P. Act by issuing notice under Section 127 of the said Act. With above observations, Petition disposed of.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)